

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees established by the Consolidated Appropriations Act, 2005 (H.R. 4818). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b> APR 11 2005 Applicant claims small entity status. See 37 CFR 1.27		<b>Complete if Known</b>	
TOTAL AMOUNT OF PAYMENT (\$)		Application Number	10/536,549
(\$)		Filing Date	May 26, 2005
\$130.00		First Named Inventor	Augusto Larrain Orrego et al.
		Examiner Name	N/A
		Art Unit	N/A
		Attorney Docket No.	1111-2

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-2828 Deposit Account Name: Jack Schwartz

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

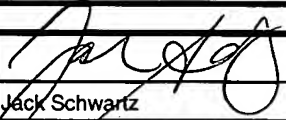
**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	_____ / 50 = _____	(round up to a whole number) x _____	_____	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)	<b>Fees Paid (\$)</b>
Other (e.g., late filing surcharge): <u>Surcharge for English translation</u>	<u>\$130.00</u>

<b>SUBMITTED BY</b>			
Signature		Registration No. 34,721 (Attorney/Agent)	Telephone 212-971-0416
Name (Print/Type)	Jack Schwartz		Date April 7, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

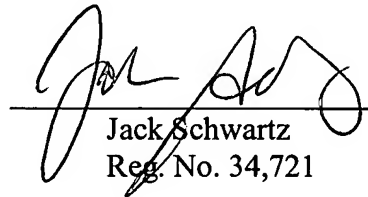
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Patent Application No.: 10/536,549

CERTIFICATE OF MAILING

I hereby certify that this Response to the Notice of Missing Parts is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Mail Stop Missing Parts, Commissioners for Patent, P.O. Box 1450, Alexandria, VA 22313-1450 on:

April 7, 2006  
Date

  
\_\_\_\_\_  
Jack Schwartz  
Reg. No. 34,721



Attorney Docket # 1111-2

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Augusto Larrain Orrego et al.  
Serial No.: 10/536,549  
Filed: 5/26/2005  
Title: Pharmaceutical Product which is  
Used to Reduce or Stop Moderate or Severe  
Snoring

RESPONSE TO NOTICE OF MISSING PARTS

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

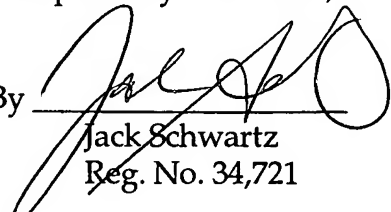
In response to the Notice of Missing Parts dated March 30, 2006 for which a two month period for response ending May 30, 2006 was set, enclosed please find an English Translation of the International Application along with the requisite processing fee of \$130 (English translation surcharge). No new matter is added in the enclosed English translation. Also enclosed is a Declaration executed by each inventor.

In view of the attached certificate of First Class Mailing this response is considered timely.

No additional fee is believed due. However if an additional fee is due please charge this fee to Deposit Account No. 50-2828.

Respectfully submitted,

By

  
Jack Schwartz  
Reg. No. 34,721

Dated: April 7, 2006

04/11/2006 TXMP/Phat 00000123 10036549

VA F001010

130.00 US



**DECLARATION FOR PATENT APPLICATION, POWER OF  
ATTORNEY & DESIGNATION OF CORRESPONDENCE ADDRESS**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Pharmaceutical Product Which is Used to Reduce or Stop Moderate  
Severe Snoring**

the specification of which (check one)

X is attached hereto, and

\_\_\_ was filed on May 20, 2005 as Application Serial No. N/A

I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR § 1.56(a).

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6  
MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY  
PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

I hereby claim foreign priority benefits under 35 USC § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
Number	Country	Filing Date	Yes	No
PCT/IB2003/005652	PCT	December 1, 2003	X	
2760/2002	CL	December 2, 2002	X	

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<b>Provisional Application Number</b>	<b>Filing Date</b>

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)**  
**UNDER 35 U.S.C. 120**

I hereby claim the benefits under 35 USC 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 USC 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<b>Appl. No.</b>	<b>Filing Date</b>	<b>Patented, Pending, Abandoned</b>

**Power of Attorney:**

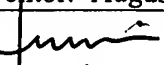
As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)


Jack Schwartz, Reg. No.: 34,721  
Jesse Bucholtz, Reg. No.: 55,027

**Send Correspondence to:**

Jack Schwartz & Associates  
1350 Broadway, Suite 1510  
New York, NY 10018

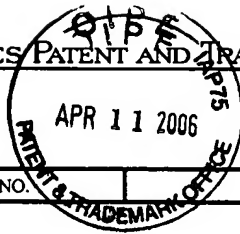
I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First Inventor: Augusto Larrain Orrego	
Inventor's Signature: 	Date: 11 / July / 2005
Residence: Avendia Kennedy 7085, Las Condes, Santiago, Chile	
Citizenship: Chile	
Post Office Address: Avendia Kennedy 7085, Las Condes, Santiago, Chile	

Full Name of First Inventor: Francesca Morri	
Inventor's Signature: 	Date: 29 / July / 2005
Residence: El Convento 858, Las Condes, Santiago, Chile	
Citizenship: Italia	
Post Office Address: El Convento 858, Las Condes, Santiago, Chile	



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/536,549

FIRST NAMED APPLICANT

Augusto Larrain Orrego

ATTY. DOCKET NO.

1111-2

INTERNATIONAL APPLICATION NO.

PCT/IB03/05652

I.A. FILING DATE

12/01/2003

PRIORITY DATE

12/02/2002

Jack Schwartz & Associates  
 1350 Broadway  
 Suite 1510  
 New York, NY 10018

CONFIRMATION NO. 9896

371 FORMALITIES LETTER

\*OC000000018402664\*

Date Mailed: 03/30/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/26/2005
- Copy of the International Search Report filed on 05/26/2005
- Information Disclosure Statements filed on 05/26/2005
- Oath or Declaration filed on 05/26/2005
- Request for Immediate Examination filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005
- Priority Documents filed on 05/26/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Small Entity:

- \$130 for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE**

RECEIVED APR 04 2006

**DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,549	PCT/IB03/05652	1111-2

FORM PCT/DO/EO/905 (371 Formalities Notice)